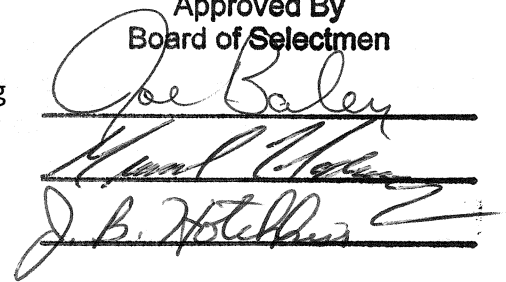


Town of Middleton
Board of Selectmen Meeting
September 2, 2015
1:30 PM

Approved By
Board of Selectmen



Middleton Members Present: J. Bailey, M. Schwarz, Laura Parker

Wakefield Members Present: Ken Paul, Connie Twombly, Charlie Edwards, Teresa Williams

DES Present: David Degler, Tara Albert

M. Schwarz- meeting regarding Mr. Fournier property. T. Albert- DES received a complaint from the Town of Middleton. K. Paul, Wakefield has tried to get the state involved for several years ago. D. Degler agrees with the assessment that was done years ago. Mr. Fournier might have added more vehicles to his stockpile but that doesn't mean he is taking them apart. DES does not see any evidence of dismantling on site. M. Schwarz has advertisements that states he is dismantling. T. Albert asked Mr. Fournier the questions of dismantling or draining of the vehicles. Mr. Fournier stated he takes all his work to 2 Johns. Even though his articles states he dismantles, DES did not see any evidence of that. Mr. Fournier was aware that DES was coming to his property. T. Albert also stated that she didn't see the normal things you would see at a residence when someone is dismantling such as tools etc. DES also did not see any stressed vegetation. No fluid spills were present. C. Edwards does not believe that Mr. Fournier is taking about cars on his property. Mr. Fournier running an illegal business is not a DES issue, it is a Town issue. T. Albert stated about RSA 236 licensing law use to say unregistered vehicles and now says end of life vehicles which means vehicles that would never again be on the road. T. Albert did not see any of these on the property. Two campers on the property were tag-a-longs so do not have engines. DES would only be concerned if he was taking apart the RV and burning the scrap wood from inside. T. Albert went through her inspection checklist and only found one gas tank that was in the back of a truck ready to be sent to a scrap metal yard, and three junk batteries. These were all stored according to regulations. He had about 15 scrap tires, all with rims and all within regulations. As for the pond on the property, there was one vehicle close to it, not in the wetlands. The town would need evidence of fluids or dismantling. What DES saw today does not warrant an additional visit. Mr. Fournier is not registered as a business. Mr. Fournier stressed to DES that all the dismantling happens at 2 Johns. C. Twombly asked about operating as a salvage yard, does this need a license. T. Albert says that is not a state license it would be from the Town. Mr. Fournier does not have a salvage yard license in Middleton or Wakefield. DES thinks there was about 30 cars on the property today and 2 boats. 2 or more end of life vehicles makes a salvage yard. Mr. Fournier advised DES that he is not a junk yard. He buys the vehicles, has 2 Johns fix them and then advertises them for sale. As, far as DES is concerned, there is no issue at the Fournier property. If the town believes there is an issue, they need to have proof. T. Albert will complete her inspection report and make sure each town gets a copy as well as Mr. Fournier. M. Schwarz spoke about concerns with oil leaking down from the property into the river. DES states the towns should be more concerned with 2 Johns having run-off. C. Edwards suggest figuring out what town Mr. Fournier lives in, and then following those town rules and guidelines. D. Degler outlined the differences between a salvage yard and auto shop. If the business uses the oil for burning, then they would store it. DES would only be concerned if not stored correctly. T. Albert is more than willing to walk

through any junk yard etc. with the town to show the boards what to be looking for. She also has an online training as well. C. Edwards talks about others in the Town of Wakefield that have over the allowed non- registered cars on their property. Need to keep the rules the same for everyone.

Discussion on what town Mr. Fournier actually resides in. The home sits part in Middleton and part in Wakefield. All permits, vehicle registrations, etc. all come out of Wakefield. Mr. Fournier has spent thousands of dollars on a survey that states he lives in Middleton. Court judgement years ago stated that Mr. Fournier lived in Wakefield. M. Schwarz suggested calling Troop E for illegal running of a business. T. Albert, ruled for dealer licenses have changed recently. C. Edwards suggested if we provided Mr. Fournier will a survey that it would satisfy him for a while. Neither town neither wants to spend the money nor thinks that if it is not the outcome that Mr. Fournier is looking for it will not satisfy him. The last court hearing where judgement was Mr. Fournier lives in Wakefield has not been the end of this issue. Nothing can be done at this time until the issue of where Mr. Fournier lives is resolved. The photographs from years ago, shows the Middleton town sign, but that doesn't really prove the town line. Discussion on perambulations; each time a perambulation is completed it is completed by different people. Who is to say whose markers are correct in each perambulation? Can you really change the county line?

DES suggested if either town finds evidence of fluids or hazards on the Fournier property, take pictures report it to them and they will come back to reinvestigate. Notice is not always given to the resident. Moving forward, both towns will continue to let Mr. Fournier put forth his case and wait and see the outcome. In the spring the towns will perambulate again.

Respectfully submitted by:

Laura Parker, BOS Secretary